



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,679	03/06/2001	Stefaan Valere Albert Coussement	P4647	5038
24739 7590 12/24/2009 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER				
MATTIS, JASON E				
ART UNIT		PAPER NUMBER		
2461				
NOTIFICATION DATE		DELIVERY MODE		
12/24/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeactions@CENTRALCOASTPATENT.COM
plambuth@centralcoastpatent.com

Office Action Summary**Application No.**

09/800,679

Applicant(s)COUSSEMENT, STEFAAN
VALERE ALBERT**Examiner**

JASON E. MATTIS

Art Unit

2461

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-16, 19-31 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 19-24, 27, 31 and 34-38 is/are allowed.
- 6) ☒ Claim(s) 1, 4-15, 25, 26, 28-30, 40-42, 44 and 45 is/are rejected.
- 7) ☒ Claim(s) 39 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Request for Continued Examination filed 11/24/09. Claims 2, 3, 17, 28, 32, and 33 have been canceled. Claims 1, 4-16, 19-31, and 34-45 are currently pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 4-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Each of claims 1 and 4-15 are directed toward an "agent capability application", which is software. Software, per se, is not considered to fall within one of the statutory acceptable categories of invention. Although claim 1 does include language stating that the application is "included in a computer readable medium", in order for the claim to be considered statutory under 35 U.S.C. 101, the claim must be directed towards the computer readable medium rather than the application, such that the claim is directed towards a device (the computer readable medium). It is recommended that the language of claim 1 be amended such that the claim states "An agent capability application **comprising** a computer readable medium and executing on a computer

platform", such that it is clear that the application comprises a device (the computer readable medium) rather than just software.

Claim Objections

3. Claims 39 and 42-45 objected to because of the following informalities: Each of these claims depends on canceled claim 33. For purposes of examination, it is assumed that each of these claims should properly depend on claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10, 11, 14, 15, 25, 26, 28-30, 40-42, 44, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 10.

Also regarding claim 10, lines 1-2 of this claim contain the term "the... subscribing applications". Although the preceding claim language does include "routing

applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the... subscribing applications" in claim 10.

Regarding claim 11, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 11.

Also regarding claim 11, lines 1-2 of this claim contain the term "the... subscribing applications". Although the preceding claim language does include "routing applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the... subscribing applications" in claim 11.

Regarding claim 14, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 14.

Also regarding claim 14, lines 1-2 of this claim contain the term "the... subscribing applications". Although the preceding claim language does include "routing applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the... subscribing applications" in claim 14.

Regarding claim 15, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 15.

Also regarding claim 15, lines 1-2 of this claim contain the term "the... subscribing applications". Although the preceding claim language does include "routing

applications" there is no mention of any "subscribing applications". Thus, there is a lack of antecedent basis for the term "the... subscribing applications" in claim 15.

Regarding claim 25, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 25.

Regarding claim 26, lines 1-2 of the claim contain the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 25.

Regarding claim 28, line 2 of this claim contains the term "the copies or versions". Since there is no prior mention of any "versions" in the claim language, there is a lack of antecedent basis for the term "the... versions" in claim 28.

Regarding claim 29, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 29.

Regarding claim 30, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 30.

Regarding claim 40, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 40.

Regarding claim 41, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 41.

Regarding claim 42, line 4 of the claim contains the term "the agent proxy server". Since there is no mention of any "agent proxy server" in the claim language, there is a lack of antecedent basis for the term "the agent proxy server" in claim 42.

Regarding claim 44, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 44.

Regarding claim 45, line 1 of the claim contains the term "the platforms". Since only a single "platform" is defined in the preceding claim language, there is a lack of antecedent basis for the term "the platforms" in claim 45.

Allowable Subject Matter

6. Claims 16, 19-24, 27, 31, and 34-38 are allowed.
7. Claims 25, 26, 28-30, 40-42, 44, and 45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 39 and 43 are objected to as shown above, but would be allowable if rewritten to overcome the claim objections and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 11/24/09 have been fully considered and are persuasive. The rejections of claims under 35 U.S.C. 103(a) has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason E Mattis
Primary Examiner
Art Unit 2461

JEM

/Jason E Mattis/
Primary Examiner, Art Unit 2461